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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,476	10/01/2003	Takatoshi Hirota	1071.1044DC	4672
21171	7590	06/28/2005	EXAMINER	
STAAS & HALSEY LLP			PATEL, ASHOK	
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1201 NEW YORK AVENUE, N.W.			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20005			2879	

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/674,476	HIROTA ET AL.
	Examiner Ashok Patel	Art Unit 2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 11 April 2005.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 6-16 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 6-8 and 16 is/are allowed.  
 6) Claim(s) 9 and 12-14 is/are rejected.  
 7) Claim(s) 10,11 and 15 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

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1. Applicant's arguments filed 04/11/2005 have been fully considered but they are not persuasive.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 9, 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Amemiya et al (submitted by applicant on 10/19/2004).

Amemiya et al disclose applicant's claimed flat panel display device (Figure 1) including: a pair of (front and rear) substrates defining a gas discharge space in which a pair of substrates defining a gas discharge space in which a gas mixture including at least Xenon is sealed, a mixture ratio of the xenon in the gas mixture being equal to or greater than 2% (see "Explanation of relevancy of References, submitted by applicant on 10/19/2004) and a material (IR cut filter) inherently suppressing near infrared rays emitted from the gas. The IR cut filter inherently removes an unnecessary light in observing a luminescence of phosphor light.

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amemiya et al, as applied to claims 12, in view of Wada et al (USPN 4,692,662).

Amemiya et al do not disclose the location of the (IR cut filter) material within the device. Although Amemiya et al do not disclose specific location of the (IR cut filter) material within the device, providing the IR cut filter within the flat panel display is known in the art for blocking the undesired rays while emitting desired rays.

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Wada et al is cited for showing the use of a filter use on front or rear substrate or within the substrate material (Figures 4, 12; col. 4, lines 8-60; col. 9, lines 17-26).

Consequently, it would have been obvious to one of ordinary skill in the art to provide Amemiya et al's flat display device including the (IR cut filters) material provided on either the front or the rear substrate or within the front substrate for blocking the undesired rays and emitting desired rays from the device.

6. Claims 10, 11 and 15 are objected to for reasons set forth in the last office action.

7. Claims 6-8 and 16 are already allowed, as per office action (paper no. 0804) issued on 08/13/2004.

8. The Examiners replies to applicant's arguments as follows.

Applicant argues that the Examiner incorrectly interprets claims 9 and 12 with respect to a material suppressing near IR rays emitted from the gas mixture. Applicant then argues that the filter in Amemiya et al prior art reference is only for conducting experiment. Applicant further argues that when the experiment is over, the IR filter from Amemiya et al's device is no longer necessary and thus removed.

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This is not found since applicant's arguments are not supported by any evidence that the IR filter in Amemiya et al's device is removed at the final finished stage. Amemiya et al do not mention anywhere in the document that the IR filter is removed in the final finished stage.

Applicant further argues that Examiner's office action indeed refutes the contention since the office action states that the Amemiya et al do not disclose the (IR cut filter) material applied to the front, rear substrate or inside the front substrate. It appears that applicant has misread the Examiner's statement. The Examiner intended to state in the office action that the Amemiya do not mention as to where the near IR suppressing material (IR cut filter) is located in Amemiya et al's device. Of course it was, and is, the Examiner's position that the Amemiya et al's device does include the near IR suppressing material (IR cut filter). It is to be noted that applicant's claim 9 and 12 do not recite the location of the near IR suppressing material (IR cut filter).

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS

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of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok Patel whose telephone number is 571-272-2456. The examiner can normally be reached on Monday-Thursday.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ashok Patel  
Primary Examiner  
Art Unit 2879